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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,141	12/05/2001	Alexander Beeck	033275-316	3862

7590

06/03/2005

Robert S. Swecker
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/002,141

Applicant(s)

BEECK ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2005 has been entered.

Applicants have argued that neither Ohtomo 4,992,026, Glynn 6,206,638, Liotta 5,902,093, Kercher 3,533,711, nor Sidenstick 3,628,885 disclose inspection apertures, as recited in (amended) claim 1. The examiner agrees that none of these references discloses the inspection aperture includes a wall flush with a wall of the cooling passage.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 has been amended to recite that the inspection aperture includes a wall flush with a wall of the coolant passage. Claim 1 has been previously amended to recite that the second passage branches off the coolant passage at the curved flow section and is arranged as a tangent to the curved flow section. Upon review of the specification, although these amended limitations are inherent in Applicants' drawings, MPEP 608.01(o) requires that new terms that are introduced into the claims that do not appear in the specification be clarified

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by amending the specification so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 was amended to recite that the inspection aperture includes a wall flush with a wall of the cooling passage. This pertains to the embodiment of figure 2, with the coolant passage being element 4, the second passage being element 7, and including an inspection aperture 5 that includes a wall flush with a wall of the cooling passage. The inspection aperture has its longitudinal axis essentially parallel to the axis of the fluid flow machine. However, claim 5 recites that the inspection aperture has its longitudinal axis essentially perpendicular to the axis of the fluid flow machine. Claim 5 pertains to the embodiment of figure 1, which is excluded by the instant amendment to claim 1 of the inspection aperture including a wall flush with a wall of the cooling passage, because in figure 1, the inspection aperture 5 has no wall flush with the wall of the coolant passage 4, but rather has a wall perpendicular to the wall of the

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coolant passage. Therefore, the amendment to claim 1 introduces new matter into dependent claim 5.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is inaccurate for the following reason: Independent claim 1 was amended to recite that the inspection aperture includes a wall flush with a wall of the cooling passage. This pertains to the embodiment of figure 2, with the coolant passage being element 4, the second passage being element 7, and including an inspection aperture 5 that includes a wall flush with a wall of the cooling passage. The inspection aperture has its longitudinal axis essentially parallel to the axis of the fluid flow machine. However, claim 5 recites that the inspection aperture has its longitudinal axis essentially perpendicular to the axis of the fluid flow machine. Claim 5 pertains to the embodiment of figure 1, which is excluded by the instant amendment to claim 1 of the inspection aperture including a wall flush with a wall of the cooling passage, because in figure 1, the inspection aperture 5 has no wall flush with the wall of the coolant passage 4, but rather has a wall perpendicular to the wall of the coolant passage.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause 5,931,638. Note the component 10 of a fluid flow machine (a gas turbine engine), comprising a coolant passage comprising at least one curved flow section 68, 68, and a second passage 74 comprising an unnumbered inspection aperture, the inspection aperture including an unnumbered top wall flush with an unnumbered top wall of the coolant passage, the inspection aperture being arranged and dimensioned to enable introduction of a borescope through the inspection aperture and the second passage, and the second passage branching off the coolant passage at the curved flow section and being arranged as a tangent to the curved flow section, the component being a rotating blade for a turbine, and the inspection aperture being arranged in the neighborhood of a tip 22 of the blade, with the inspection aperture having its longitudinal axis essentially parallel to the axis of the fluid flow machine (the blade tip 22 is essentially parallel to the engine axis 38, therefore the inspection aperture 74 has its longitudinal axis essentially parallel to the axis of the fluid flow machine). The recitation in claim 1, lines 5-7 of the inspection aperture being arranged and dimensioned to enable introduction of a borescope through the inspection aperture and the second passage does not define over Krause, because these limitations are a function of the size of the borescope, and the size of the borescope would determine whether or not it would be able to be introduced into the inspection aperture. A miniaturized borescope having a tiny diameter would be capable of being introduced into the inspection aperture.

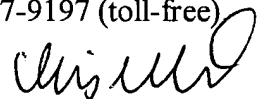
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
May 27, 2005



Christopher Verdier
Primary Examiner
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